

ASSEMBLY BILL

No. 1781

**Introduced by Assembly Members Robert Pacheco and
Vincent**

**(Principal coauthors: Assembly Members Campbell,
Cardenas, Margett, Washington, and Zettel)**

**(Coauthors: Assembly Members Baugh, Havice, Lowenthal,
Nakano, and Rod Pacheco)**

January 25, 2000

An act to amend Section 5002.6 of the Public Resources Code, relating to state beaches.

LEGISLATIVE COUNSEL'S DIGEST

AB 1781, as introduced, Robert Pacheco. State beaches: County of Los Angeles: deed restrictions.

Existing law requires the Director of Parks and Recreation, upon the adoption of a specified resolution by the County of Los Angeles, to grant to the County of Los Angeles, in trust for the people of California, all of the rights, title, and interest of the State of California in specified state beach property. Existing law prohibits any new project for new or expanded noncommercial development on that beach property from exceeding an estimated cost limitation for each project of \$250,000, as adjusted. Existing law requires that limitation to be specified in each deed.

This bill would exempt specified noncommercial projects, including restrooms, among other projects, from the estimated cost limitation. The bill would require the director to execute an amendment to any deed conveying the state

beach property to incorporate the exemptions provided by the bill.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 5002.6 of the Public Resources
2 Code is amended to read:
3 5002.6. (a) Notwithstanding any other provision of
4 law, and upon the adoption of a resolution of acceptance
5 pursuant to subdivision (h), the director shall grant to the
6 County of Los Angeles, at no cost to the county, in trust
7 for the people of the State of California, and subject to the
8 conditions set forth in this section, all of the rights, title,
9 and interest of the State of California in lands, and
10 improvements thereon, generally described as follows,
11 and more particularly described in the deed:
12 (1) Parcel 1. Approximately 3.83 acres of
13 unimproved land, known as Las Tunas State Beach.
14 (2) Parcel 2. Approximately 31.21 acres of improved
15 land, known as Topanga State Beach.
16 (3) Parcel 3. Approximately 46.34 acres of improved
17 land, being a portion of Manhattan State Beach.
18 (4) Parcel 4. Approximately 26.03 acres of improved
19 land, known as Redondo State Beach.
20 (5) Parcel 5. Approximately 18.07 acres of improved
21 land, known as Royal Palms State Beach.
22 (6) Parcel 6. Approximately 30.64 acres of improved
23 land, being a portion of Point Dume State Beach.
24 (7) Parcel 7. Approximately 15.12 acres of
25 unimproved land, known as Dan Blocker State Beach,
26 and which includes Latigo Shores.
27 (8) Parcel 8. Approximately 10.50 acres of improved
28 land, being a portion of Malibu Lagoon State Beach,
29 known as Surf Rider Beach.
30 (b) (1) The grant in trust for the people of the State
31 of California made pursuant to subdivision (a) shall be
32 made upon the express condition that the County of Los
33 Angeles shall use, operate, and maintain the granted

lands and improvements thereon for public recreation and beach purposes in perpetuity, and shall comply with all restrictions specified in each deed and prescribed in subdivision (e). The county shall not make or permit any other use of the granted lands and improvements. Any violation of this prohibition or any violation of subdivision (e) shall constitute a breach of conditions for purposes of paragraph (2) of this subdivision.

(2) Upon a material breach of any condition of a grant made pursuant to this section which is determined by a court of competent jurisdiction to have been made intentionally, the State of California shall terminate the interest of the County of Los Angeles in the granted lands and improvements pursuant to Chapter 5 (commencing with Section 885.010) of Title 5 of Part 2 of Division 2 of the Civil Code. Upon exercise of the state's power of termination in accordance with Section 885.050 of the Civil Code, all rights, title, and interest of the County of Los Angeles in the granted lands and improvements shall terminate and revert to, and rest in, the state, and the county shall, within 30 days from the date of that judgment, pay to the state an amount equal to funds received by the county annually from the appropriation under ~~subdivision~~ *schedule* (a) of Item 3680-105-516 of the Budget Act of 1995 or from any subsequent appropriation received from the state specifically for the operation or maintenance of the granted lands and improvements. However, in no event shall that payment exceed the sum of one million five hundred thousand dollars (\$1,500,000). The returned funds shall be deposited in the State Parks and Recreation Fund.

(3) Notwithstanding Section 885.030 of the Civil Code, the state's power of termination pursuant to paragraph (2) shall remain in effect in perpetuity.

(c) Any operating agreement between the State of California and the County of Los Angeles pertaining to any of the real property described in subdivision (a), in existence at the time of the grant, shall be terminated by operation of law upon the conveyance of the real property to the County of Los Angeles.

1 (d) There is hereby excepted and reserved to the State
2 of California from the grants made pursuant to
3 subdivision (a) all mineral deposits, as defined in Section
4 6407, which lie below a depth of 500 feet, without surface
5 rights of entry.

6 (e) The transfer of all rights, title, and interest in the
7 lands and improvements described in subdivision (a)
8 shall be subject to the following restrictions, which shall
9 be specified in each deed:

10 (1) (A) No new or expanded commercial
11 development shall be allowed on the granted real
12 property.

13 (B) Any project for new or expanded noncommercial
14 development on the granted real property shall not
15 exceed an estimated cost limitation for each project of
16 two hundred fifty thousand dollars (\$250,000), as adjusted
17 annually to reflect the California Construction Index
18 utilized by the Department of General Services. Any
19 authorization for new and expanded noncommercial
20 development shall be limited to projects that provide for
21 the safety and convenience of the general public in the
22 use and enjoyment of, and enhancement of, recreational
23 and educational experiences, and shall be consistent with
24 the use, operation, and maintenance of the granted lands
25 and improvements as required pursuant to subdivision
26 (b). The per-project limitation in this paragraph shall
27 apply in the aggregate, so that not more than the amount
28 specified in this subparagraph may be expended for the
29 project as a whole, regardless of any division of the project
30 into phases or parts. For purposes of this subparagraph,
31 “project” means the whole of an action that constitutes
32 the entirety of the particular type of new construction,
33 alteration, or extension or betterment of an existing
34 structure.

35 (C) Notwithstanding subparagraph (B), the deed for
36 the conveyance of Royal Palms State Beach shall contain
37 a provision that allows for the implementation of the
38 state-approved local assistance grant (project number
39 SL-19-003) to the County of Los Angeles already
40 approved in the Budget Act of 1988 for noncommercial

1 development to rehabilitate the existing park
2 infrastructure at that state beach.

3 (D) *The estimated cost limitation specified in*
4 *subparagraph (B) shall not apply to the following*
5 *noncommercial projects:*

6 (i) *Restrooms.*

7 (ii) *Ramp accessways that comply with the Americans*
8 *with Disabilities Act of 1990, as amended (42 U.S.C. Sec.*
9 *12101 et seq.).*

10 (iii) *Pedestrian accessways.*

11 (iv) *Storm drains.*

12 (v) *Lifeguard facilities.*

13 (vi) *Maintenance facilities.*

14 (vii) *Parking lots.*

15 (viii) *Sand walls.*

16 (ix) *Rock revetments.*

17 (x) *Coastal slope erosion protection.*

18 (2) The granted lands and improvements may not be
19 subsequently sold, transferred, or encumbered. For
20 purposes of this section, “encumber” includes, but is not
21 limited to, mortgaging the property, pledging the
22 property as collateral, or any other transaction under
23 which the property would serve as security for borrowed
24 funds. Any lease of the granted lands or improvements
25 shall only be consistent with the public recreation and
26 beach purposes of this section.

27 (f) As an alternative to the exercise of the power of
28 termination for a material breach of conditions, each
29 condition set forth in this section shall be enforceable as
30 a covenant and equitable servitude through injunction
31 for specific performance issued by a court of competent
32 jurisdiction.

33 (g) On and after June 30, 1998, it is the intent of the
34 Legislature that any application by the County of Los
35 Angeles Fire Department to secure state funding support
36 for boating safety and enforcement on waters within the
37 County of Los Angeles shall be given priority
38 consideration by the Legislature, unless an alternative
39 source of funding is secured prior to that date which
40 serves the same or similar purposes.

1 (h) This section shall become operative only if the
2 Board of Supervisors of the County of Los Angeles adopts
3 a resolution accepting the fee title grants, in trust for the
4 people of the State of California, in accordance with this
5 section, of the lands and improvements described in
6 subdivision (a).

7 SEC. 2. With regard to any deed executed by the
8 Director of Parks and Recreation granting property to
9 the County of Los Angeles pursuant to Section 5002.6 of
10 the Public Resources Code, the director, on or before
11 June 30, 2001, shall execute an amendment to that deed
12 modifying the deed restriction required by subdivision
13 (e) of Section 5002.6 of the Public Resources Code to
14 incorporate the provisions of subparagraph (C) of
15 paragraph (1) of subdivision (e) of Section 5002.6 of the
16 Public Resources Code.

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18 CORRECTIONS

19 **Heading — Authors—lines 2, 4 and 5.**

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